



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Washington State Department of Ecology AO # 06-02

Subject of possible rule making: Ecology is proposing to adopt prevention, preparedness, and response rules that set forth the standards regarding oil transfers that occur on or over waters of the state. This rule making will focus on three areas:

- Combining and amending existing rules in Chapters 173-180A through 173-180D of the Washington Administrative Code (WAC), relating to oil transfer operations.
- Amending existing rules and proposing new rules in Chapter 317-40 WAC regarding the transfer of oil involving covered vessels, which does not include recreational vessels, on or over the waters of the state. The standards may address the management, training, recordkeeping, notifications, equipment, and procedures involving bunkering, cargo, and lightering and other aspects of oil transfer operations.
- In addition to new requirements and amendments to existing requirements, Ecology plans to also clarify existing language and references in the rules.

Statutes authorizing the agency to adopt rules on this subject: RCW 90.56.005, RCW 90.56.050, RCW 88.46.60, and RCW 88.46.120.

Reasons why rules on this subject may be needed and what they might accomplish: RCW 90.56.005 requires Ecology to ensure that the waters will be protected from oil spills with broad powers of regulation. RCW 88.46.160 further requires new standards for the deliverer of oil to provide containment boom, response equipment, training on usage, and alternative measures for spill prevention and mitigation. RCW 90.56.050 and 88.46.120 require Ecology to adopt rules that implement the objectives of these statutes.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United State Coast Guard broadly regulates many of the same entities. We have a stakeholder committee with representatives from the Coast Guard 13th District who we work with to develop and ensure our standards are compatible and coordinated.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

Ecology is seeking input from an advisory committee consisting of oil industry, environmental, Tribal, State, and Federal representatives. In addition, information is posted on our website that details the process and other opportunities for involvement. Ecology will hold public hearings to seek input for the rule proposal.

<http://www.ecy.wa.gov/programs/spills/prevention/transrule/transferrule.html>

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE

1-18-06

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Program Manager - Spills Prevention, Preparedness, and Response

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